

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GLENN E. NASK,	:	Chapter 13
	:	
Debtor.	:	Bky. No. 16-12798
	:	
GLENN E. NASK,	:	
MICHELLE E. NASK,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
BANK OF AMERICA, N.A., <u>et.al</u>,	:	Adv. No. 16-306
	:	
Defendants.	:	
	:	

ORDER

AND NOW, an adversary proceeding having been filed on **September 13, 2016**,

AND a Notice having been given to Plaintiff and Plaintiff's counsel that this proceeding would be dismissed for lack of prosecution unless the Plaintiff took appropriate action to prosecute this proceeding by a date certain,

AND the Plaintiff having taken no action by such date or otherwise having responded to the Notice,

AND, after an in-court colloquy with the Plaintiff's counsel and counsel for Defendant Bank of New York Mellon ("BNYM") on **January 10, 2017**,

It is hereby **ORDERED** that

1. The Complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendants Bank of America, N.A. and Nationstar Mortgage LLC. See also Fed. R. Civ. P. 4(m) (incorporated by Fed. R. Bankr. P. 7004).
2. Defendant BNYM shall file a response to the Complaint **on or before January 24, 2017**.
3. If Defendant BNYM fails to comply with Paragraph 2 above, the Plaintiff shall take appropriate action to prosecute this proceeding (e.g., a Motion under Fed. R. Bankr. P. 7055) **on or before January 31, 2017**.

4. If the Plaintiff fails to comply with Paragraph 3, the proceeding **may be dismissed for lack of prosecution** without further notice or opportunity for a hearing

A handwritten signature in black ink, appearing to read 'ERL', written over a horizontal line.

Date: January 10, 2017

ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE